## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

SHARRON HIGGS,	)	
D1-:-4:CC	)	
Plaintiff,	)	
VS.	)	Case No. 4:04CV1479 RWS
	)	
EMC MORTGAGE CORP. et al.,	)	
	)	
Defendants.	)	

## MEMORANDUM AND ORDER

This matter is before me on plaintiff's objections to the closing costs.

Plaintiff first claims that EMC is still attempting to escrow amounts for insurance and taxes. This is incorrect. EMC has complied with my prior Orders and is only seeking to escrow funds for taxes. Although plaintiff also objects to allowing EMC to escrow funds for taxes, I am overruling this objection because plaintiff agreed to this term when she settled her case. However, I will require EMC to notify the Court in writing of last year's assessed property taxes for plaintiff's property to ensure that the projected escrow amount is not overstated. EMC shall file this information no later than December 1, 2006.

Plaintiff remains responsible for providing her own homeowner's insurance. She must, however, list EMC as an additional insured and provide proof that her insurance policy is current at the time of closing.

Finally, plaintiff asks me to excuse her from paying her unpaid mortgage payments because she believes EMC caused her stress. I will deny this request.

Plaintiff must pay all unpaid mortgage amounts and taxes as she agreed to do under the terms of her settlement. If she does not make these payments and provide proof of homeowner's insurance in the manner described above at the time of closing, I will dismiss her case with prejudice as a sanction for refusing to comply with the settlement agreement. Once EMC has confirmed the amount of the assessed property taxes for plaintiff's property, I will set a closing date for December.

Accordingly,

IT IS HEREBY ORDERED that EMC shall notify the Court in writing of last year's assessed property taxes for plaintiff's property by no later than <a href="December 1, 2006">December 1, 2006</a>.

RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE

Dated this 29th day of November, 2006.